

March 9, 1938

Mr. W. W. Early
Ass't Mgr. Recording & Record Sales
RCA Manufacturing Company, Inc.
Camden, New Jersey

Dear Mr. Early:

Please accept my thanks for the information you sent regarding the broadcasting of Victor and Bluebird records by educationally owned and operated radio stations. I am passing along the data regarding your willingness to give permission for use of records until such time as definite license agreements can be worked out.

May I urge that when your license agreements are made out that you make special provisions for the educational radio stations. As you perhaps know these stations now enjoy complimentary licenses from A.S.C.A.P. and the Society of Recording Artists because they are operated on a non-commercial basis. I feel sure RCA will wish to make similar provision for the educational station.

Cordially yours,

Frank E. Schooley



RCA MANUFACTURING COMPANY, INC.

A RADIO CORPORATION OF AMERICA SUBSIDIARY

Camden, New Jersey

**RCA VICTOR
DIVISION**

March 5, 1938.

Mr. Frank E. Schooley
The National Association of Educational Broadcasters
University of Illinois
Urbana, Illinois

Dear Mr. Schooley:

We have received your letter of February 26.

So that you may be completely advised concerning the broadcasting of records of our manufacture, I am enclosing copy of a letter dated January 4 which was sent by us to all broadcasting stations.

To those stations who have written us requesting further information regarding the possibility of continuing the broadcasting of Victor and Bluebird records until such time as definite license agreements can be worked out, we have replied per the form of the other letter enclosed.

If any educational radio station desires to continue to use our records on their programs, we suggest that you advise them to write us requesting copies of the agreement forms identical with those enclosed herewith.

Upon receipt of their request, we shall be very happy to send them copies which they may sign and return to us thereby giving them our assurance that until further notice use by them of our records will not be made the basis of any action against them by us.

Cordially yours,

W. W. Early
Ass't Mgr. Recording & Record Sales

WWE:ES



RCA MANUFACTURING COMPANY, INC.

A RADIO CORPORATION OF AMERICA SUBSIDIARY

Camden, New Jersey

**RCA VICTOR
DIVISION**

January 4, 1938.

Gentlemen:

Recently there has been considerable litigation started by others in connection with the use of phonograph records for radio broadcast and other commercial purposes. As you probably know, RCA Manufacturing Company, Inc. manufactures and markets phonograph records. We have from time to time been called upon to state our position with respect to such uses of records produced by us. In order to avoid any possible confusion or misunderstanding, we have thought it advisable at this time to restate our position in the matter, which is as follows:

As manufacturer of Victor and Bluebird records we claim to have property rights in phonograph records produced by us sufficient to entitle us to prohibit the use of said records for radio broadcast or other commercial purposes unless our prior written consent is obtained.

Our Victor and Bluebird phonograph records are sold to the original purchasers under written agreements which expressly provide that they are to be used only for non-commercial purposes on phonographs in homes and that they will not be resold or used for any other purpose. Notice of our rights and of the existence of these agreements is given to third persons by appropriate language printed on the label of each of our records, which notice is repeated in greater detail on the envelope in which each record is enclosed. Therefore, radio stations and others who may use our records for commercial purposes without our consent infringe our rights and knowingly become a party to and indeed the inducing cause of a breach of the agreements entered into between us and the original purchasers of our records.

In addition to the foregoing, because of the inherent similarity between the business of radio broadcasting and that of manufacturing and marketing phonograph records, we believe that the action of radio stations in using Victor or Bluebird records for radio broadcast purposes without our consent, contrary to the notice appearing on the records, and in the face of express notice of our rights, constitutes an unauthorized use of our product, an infringement of our property rights and unfair competition. Especially is this so in view of the fact that commercial transcription records licensed for radio broadcast purposes are available from several sources.

*Standard and All-wave Radio Receivers · Radio Phonographs · Auto Radios · Farm Radios · Broadcast Station Transmitters, Microphones and Associated Equipment
Photophone Theatre Equipment · Victor and Bluebird Records · Electrical Transcriptions · Marine Radio Equipment · Transoceanic Radio Equipment · Aviation
and Police Radio · U. S. Government Radio Equipment · Centralized Sound Systems · Public Address Systems · 16 MM. Sound Projectors and Cameras · Film
Recorders · Laboratory and Test Equipment · Standard and All-wave Antennae · Faradon Condensers · Individual and Component Radio Parts and Accessories*

Therefore, if you are engaging in the practice of using for radio broadcast or other commercial purposes Victor or Bluebird phonograph records produced by us, we now request that you arrange for the prompt discontinuance of such practice, failing which we shall be obliged to take such action as we may be advised is necessary to protect our interests.

In this connection, we advise that recently we have been informed that certain individuals or organizations have been undertaking to license radio stations to use phonograph records for radio broadcast purposes. In order that there may be no possibility of any misunderstanding as to this, we also advise you that we have not authorized anyone to deal with our aforesaid property rights, or in our behalf to license the use of any of our phonograph records for radio broadcast or other commercial purposes.

Very truly yours,

Edward Wallerstein

Manager of Recording and Record Sales



RCA MANUFACTURING COMPANY, INC.

A RADIO CORPORATION OF AMERICA SUBSIDIARY

Camden, New Jersey

**RCA VICTOR
DIVISION**

Gentlemen:

We have received your recent reply to our registered letter of January 4, 1938 sent to all broadcasting stations in the United States, in which we advised you of our position with respect to the unauthorized use of our Victor and Bluebird phonograph records for radio broadcast and other commercial purposes, and we assure you that it is not our desire to take any arbitrary or unreasonable position in this important matter.

Our letter was in a large measure prompted by a desire to caution you against the activities of certain individuals or organizations which, we are informed, have recently been offering for a substantial fee to license radio stations to use for radio broadcast purposes phonograph records produced by us. This action does not have our approval or consent and no such license can extend to you the right to use our records for broadcast purposes for, as pointed out in our letter of January 4, we have not authorized any one to deal with our property rights in phonograph records produced by us or in our behalf to license the use of any of our phonograph records for radio broadcast or other commercial purposes.

There are pending several serious problems concerning the commercial use of phonograph records -- problems which affect not only our company but every record manufacturer, as well as their recording artists, the labor unions to which many of the artists belong and the owners of the copyrighted material which is frequently recorded on records. We are hopeful that all these problems can be solved in the very near future in a manner which will permit radio stations to continue to use phonograph records upon some reasonable basis which will be satisfactory to all concerned. We are working intensively on these problems and shall continue to do so.

Meantime, we desire to cooperate with you and to assist in meeting your temporary needs. Therefore, we suggest that in the event you wish to continue to use over your station phonograph records produced by us, upon receipt of the enclosed application signed by you we shall be glad to extend to you our assurances that until further notice from us to the contrary, use by you of our records for radio broadcast purposes will not be made the basis of any claim by us against your station.

Very truly yours,

Ass't Mgr. Recording and Record Sales

*Standard and All-wave Radio Receivers • Radio Phonographs • Auto Radios • Farm Radios • Broadcast Station Transmitters, Microphones and Associated Equipment
Photophone Theatre Equipment • Victor and Bluebird Records • Electrical Transcriptions • Marine Radio Equipment • Transoceanic Radio Equipment • Aviation
and Police Radio • U. S. Government Radio Equipment • Centralized Sound Systems • Public Address Systems • 16 M.M. Sound Projectors and Cameras • Film
Recorders • Laboratory and Test Equipment • Standard and All-wave Antennae • Faraden Condensers • Individual and Component Radio Parts and Accessories*

January 19, 1938

RCA Manufacturing Company, Inc.
Camden, New Jersey

Gentlemen:

Referring to your registered letter of January 4, 1938, and our subsequent correspondence in connection therewith, we wish to continue to use over our station phonograph records produced by you and if possible to obtain from you a formal license to make such use of your records.

Pending determination of whether such a license is to be issued by you and the terms thereof, we should like to receive your assurances that until further notice from you to the contrary use by us for radio broadcast purposes of your Victor and Bluebird records will not be made the basis of any claim against us by your company.

Very truly yours,

Station_____:

The assurances above requested are hereby extended to you.

RCA MANUFACTURING COMPANY, INC.

By_____

(Kindly sign and return two copies to Record Sales Department, RCA Manufacturing Co., Inc., Camden, N.J. One copy will then be signed by us and returned to you for your files)

April 13, 1939

Mr. Frank E. Walker, Vice-President
RCA Manufacturing Co., Inc.
155 East 24th Street
New York City

Dear Sir:

Members of the National Association of Educational Broadcasters have from time to time expressed interest in the cost of duplicating instantaneous recordings. If you will send me the RCA prices for such services, I shall be glad to distribute them to our members. For example stations will be interested in the cost of processing a record to make the master for both 10 and 12 inches, the cost for 10 and 12 inch pressings in various qualities. No doubt you have a graduated price scale depending on the quantity ordered. Also, please indicate that approximate amount of time on each size of a 10 or 12-inch pressing which is available for music or talks; also the necessary margins which must be reserved for making of the master.

Very truly yours,

Frank E. Schooley

fes/rc

February 26, 1938

Mr. Edward Wallerstein
RCA Manufacturing Company
Camden, New Jersey

Dear Sir:

It has come to my attention that RCA Manufacturing Company has requested all radio stations to desist from the use of RCA records.

As executive secretary of the National Association of Educational Broadcasters, I am requesting that RCA Manufacturing Company make an exception for educational radio stations.

N.A.E.B. is composed of radio stations owned and operated by educational institutions, and individuals interested in educational radio. It is our belief that our non-commercial programs should not be deprived of recorded music and it is not your intent to hinder the services of these educational radio stations.

Because of their status N.A.E.B. members enjoy a gratuitous license from ASCAP and similar organizations.

May I have from you a letter regarding your intentions as applies to property rights of RCA records, and others produced by you, so far as the educational radio stations are concerned.

Very truly yours,

Frank E. Schooley
Executive Secretary, N.A.E.B.

FES:EC



RCA MANUFACTURING COMPANY, INC.

A RADIO CORPORATION OF AMERICA SUBSIDIARY

155 EAST 24th STREET

NEW YORK, N. Y.

**RCA VICTOR
DIVISION**

PHONE: BOgardus 4-6200

April 17, 1939.

Mr. Frank E. Schooley,
The National Association of Educational Broadcasters,
University of Illinois,
Urbana, Illinois

Dear Mr. Schooley:

We appreciate your letter of the 13th inst. with regard to the processing and duplicating of instantaneous recordings.

We have already had some correspondence with Mr. Joseph Wright, Director of Public Information of the University of Illinois, with reference to some processing work which he contemplates needing. We promised him that we would do this work for him and he, of course, has been furnished with our prices.

Unfortunately, we would not at the moment like to open up generally this offer to the National Association of Educational Broadcasters inasmuch as we are making some definite plans covering this type of work and they will not be completed for a matter of three or four weeks. At that time, you may be sure that we will write you again and, if our prices and the manner of handling have been decided upon, you will then be in a position to notify your members. This, however, does not affect the work which we contemplate doing for Mr. Wright.

The approximate amount of time for a 10-inch 78 rpm recording is three minutes, fifteen seconds; and for a 12-inch 78 rpm four minutes, fifteen seconds. The margin necessary for observance in making the master should be not less than 3/16 of an inch and a maximum of 1/4.

We trust this information will be of some help to you.

Cordially yours,

RCA MANUFACTURING COMPANY, INC.

Frank B. Walker
Frank B. Walker
Vice-President

fbw/ah

COPY

Iowa City, Iowa
August 22, 1939

Copies

Mr. W. W. Early, Manager
Recording and Record Sales
RCA Manufacturing Co., Inc.
Camden, New Jersey

Dear Sir

As president of the National Association of Educational Broadcasters I am writing in reference to the new schedule of fees for the broadcasting of Victor and Bluebird Records.

As you perhaps know, the membership of our organization consists, in the main, of educational broadcasting stations which do not operate for profit. These stations utilize their services, among other things, to encourage the appreciation of good music and in doing so they encourage the sale of records.

The majority of these stations have no budget for programs but depend on talent from their own institution and gratis contributions from state and national organizations, communities, etc. This service is all of the very highest type given freely in the sole interests of the listeners.

Under conditions as outlined above there is a feeling that an added burden of \$10.00 monthly to pay for the use of records purchased by them, might not be justified. If consideration could be given, to stations operating as noted above, in allowing the broadcasting of your records free of charge, I am sure such consideration would be amply repaid.

May I hear from you at your nearly convenience.

Yours truly,

CM/af

Carl Menzer
President NAEB

File with
Mr. W. W. Early, Mgr.
Recording and Record Sales
RCA Manufacturing Co.
Camden, N. J.

Dear Sir:

The plan you have proposed for licensing broadcasting stations to use your phonograph records vitally affects members of the National Association of Educational Broadcasters. ~~It is hoped that some other arrangement can be worked out.~~ A

The fee of ten dollars per month which you set for non-commercial stations seems like very little, and to you it likely is. However, as we look at it in a practical way, we find that it takes on an entirely different aspect.

Most of the educational stations operate on a limited-time basis. Some are on the air but a few hours a week, others operate during the daytime, and only two or three are permitted to be on the air at night. In all there are but about twenty-five stations in this non-commercial, educational class.

The operating budgets of these stations are very limited. Practically nothing is allowed for buying program talent. Appropriations for the biennium have been made and budgets set accordingly. In most cases it would be extremely difficult, if not impossible, to get revisions.

If your company were the only one concerned the matter might not be so serious; but at least three companies are likely to adopt the policy. Thirty dollars a month immediately becomes an item - more money than most of the stations have allowed each month to buy new records with.

It is acknowledged that you are not endeavoring to make a profit on non-commercial stations for the use of your records. The levy has been described as a "bookkeeping charge". With this being the case it can be assumed that you wish to reduce the bookkeeping to a minimum.

the association wishes
What ~~I wish~~ to propose is that a non-commercial station be permitted to use your records as in the past, upon filing with you a sworn statement that it does not sell time and will not use the discs for profit. The station would also give you the guarantee that no record would be played more than once a day (your plan limits certain numbers to 2 playings a day), except where the playings are in relation to each other as a part of a continuous program. (This would cover recorded themes and numbers which might need to be repeated, as a part of an educational sequence.)

Another consideration is that of announcing the trade-name of records. It is contrary to the established policies of the public institutions operating the stations. It was this

that put an end to announcements of "the studio Baldwin" and mention of time "by courtesy of Western Union". It may seem trivial, but tax-supported institutions are limited by many such conceptions.

This whole situation raises another interesting question in the matter of the use of records by educational institutions. Our music departments use records for illustrative purposes in the classrooms similar to the way they are used in educational features on the air. They are used for afternoon concerts and dancing in various institutions. These uses raise parallels which must be conceded to have a bearing on the question, because the radio stations are an extension of the institutions' educational work. In churches a similar set of uses could be cited. I wonder if it doesn't become rather involved to try to draw defining lines?

In general our member stations strive to avoid abuses of the kind you are trying to prevent, particularly that of playing new records to death. Our stations play very little popular music, and confine their interests largely to serious music. There is ample evidence that the playing of these records on the air raises the standard of appreciation and so increases the demand for them. Your dealers in the home cities of educational stations can attest to that, I feel sure.

Next week the annual convention of our Association is being held. I would greatly appreciate having your reaction to this matter so it may be discussed by representatives of the member stations. I feel sure you'll see why the licensing arrangement you have proposed would be a great hardship on the stations, and how it could cause them to stop using records. We hope for your favorable consideration.

Very truly yours,

President, NAEB

Permission is hereby granted to Radio Station
_____ of the _____
located at _____ to broadcast
phonograph records manufactured by us, for the calendar
year, 1940, provided that:

1. The Station does not sell time, or use the records for profit
2. The Station will use only records which are in good condition for use on the air.
3. No record will be played more than once in any one day, except when it is a part of a continuous program and then for educational purposes.

Violation of these provisions shall be cause for revocation of the permission herein granted.

Strickly Confidential

Dear NAEB Member:

The RCA - Victor people have approved an annual fee of \$12.00 for the non-commercial, educationally and municipally owned and operated radio stations. The NAEB committee now suggests that all members who have not done so, forward to RCA - Victor a payment of \$12.00 for the first 12 months. If you have already paid any amount to RCA - Victor this amount will be credited to you and if you have paid more than the one year fee, a refund will be sent you. The suggestion is to fill out a form which RCA originally sent you, changing only that section regarding fees, making it read \$12.00 per year.

Someone has raised the question regarding the announcement provision of the original contract. It is suggested that no exceptions be made in this case, although I can assure you that this is not intended to apply to the non-commercial, educational, and municipal stations and that RCA will take no action regarding this announcement and it is not intended to apply to the educational stations.

Cordially yours,



Frank E. Schooley *3/2/41*

P.S. Again, this is strickly confidential to the non-commercial, educational radio stations. fes

Letter to those checked (-); only to those checked
Ditto + I will sign. *Jed*

MEMBER STATIONS
of the
NATIONAL ASSOCIATION OF EDUCATIONAL BROADCASTERS

Jed

Call	Institution	Address	Director
-KFDD	S. Dak. State College	Brookings, S. D.	S. W. Jones
-KFJM	Univ. of N. Dakota	Grand Forks, N. D.	D. R. Jenkins
-KFku	Univ. of Kansas	Lawrence, Kansas	Harold G. Ingham
-KOAC	Oregon State College	Corvallis, Oregon	Luke L. Roberts
-KUSD	University of S. Dakota	Vermillion, S. D.	R. E. Rawlins
-KWSC	State College of Wash.	Pullman, Wash.	Kenneth E. Yeend
-WBAA	Purdue University	Lafayette, Ind.	Gilbert D. Williams
-WCAL	St. Olaf College	Northfield, Minn.	M. C. Jensen
-WOAT	S. Dak. School of Mines	Rapid City, S. D.	C. M. Rowe
-WESG	Cornell University	Ithaca, N. Y.	Wilmer S. Phillip
-WHA	Univ. of Wisconsin	Madison, Wis.	H. B. McCarty
-WHAZ	Rensselaer Poly.	Troy, N. Y.	W. J. Williams
-WILL	Univ. of Illinois	Urbana, Ill.	Jos. F. Wright
-WNAD	Oklahoma Univ.	Norman, Okla.	Homer Heck
-WYNG	Municipal Broadcasting System	New York City	M. S. Novik
-WOI	Iowa State College	Ames, Iowa	W. I. Griffith
-WOSU	Ohio State Univ.	Columbus, Ohio	R. C. Higgy
-WRUF	Univ. of Florida	Gainesville, Fla.	Garland Powell
-WSAJ	Grove City College	Grove City, Pa.	H. W. Harmon
-WSUI	State Univ. of Iowa	Iowa City, Iowa	Carl Menzer
-WRUL	World Wide Broadcasting Foundation	Boston, Mass.	Walter S. Lemmon
*Cleveland College		Cleveland, Ohio	Gazella P. Shepherd (Mrs)
*University of Kentucky		Lexington, Ky.	Elmer G. Sulzer
*Western State Teachers C.		Kalamazoo, Mich.	W. C. Marburger
*Univ. of Michigan		Ann Arbor, Mich.	Waldo Abbot
*Indiana University		Bloomington, Ind.	Robert Allen
*Chicago Radio Council		Chicago, Ill.	Harold W. Kent
*University Broadcasting Council		Chicago, Ill	Allen Miller

1/1/40

Scanned from the National Association of Educational Broadcasters Records
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and Wisconsin Historical Society.

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